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EXAMINER

JONES, HEATHER RAE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/992,921	Applicant(s) DOBBELAAR, ASTRID MATHILDA FERDINANDA	
	Examiner HEATHER R. JONES	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed January 13, 2009 have been fully considered but they are not persuasive.

The Applicant argues that neither Nagano et al., Yuen et al., nor Kono et al. disclose that the bars should at least superpose in position wherein the overlapping bar has priority over the overlapped bar. The Examiner respectfully disagrees. Kono et al. discloses in Fig. 2 the bars representing the programs in the top half of the figure showing how the programs overlap in time and then on the bottom half of the figure the bars are shown overlapping in position wherein the higher priority program is shown in the foreground. The highest priority is the program being recorded and as can be seen from Fig. 2 reservation 3 has the highest priority by recording the whole program. The second highest priority goes to reservation 2 as can be seen from reservation 2 overlapping reservation 1, thereby making reservation 1 having the lowest priority. Therefore, Kono meets the claimed limitation and the rejection has been modified to include this reference where it was not included before.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano et al. (U.S. Patent 6,240,240) in view of Kono et al. (U.S. Patent 5,187,589) in view of Yuen et al. (U.S. Patent 5,307,173).

Regarding claim 1, Nagano et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the acts of: (a) selecting a program from the schedule and adding it to the list (abstract), (b) graphically representing the programs of the list as bars over a timeline, the length and position of each bar along the timeline corresponding to the duration and time of transmission of the corresponding program (Figs. 15A and 15B), (c) displaying programs or parts of programs overlapping in time as partially overlapping and overlapped bars such that the lengths and positions, along the timeline, of an overlapping bar and an overlapped bar still indicate the durations and times of transmission of the corresponding programs (Figs. 15A and 15B – the overlapping programs still indicate the duration and time of the entire program of all conflicting programs), (d) repeating steps (a), (b), and (c) until the list is complete wherein a priority is assigned to some or all of the programs on the list, and programs or parts of programs overlapping in time are processed according to their priorities (Figs. 4, 15A, and 15B show multiple recordings). However, Nagano et al. does not disclose the overlapping bar and the overlapped bar at least partially superpose

in position as well as that the values of the priorities are automatically initialized according to the sequence in which the programs are added to the list.

Referring to the Kono et al. reference, Kono et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the act of overlapping programs of the list are visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority (Fig. 2; col. 2, lines 10-24). Furthermore, Kono et al. discloses displaying programs or parts of programs overlapping in time as partially overlapping such that the length and position of an overlapping and overlapped bar still indicates the duration and time of transmission of the corresponding program (Fig. 2 - the overlapping programs still indicate the duration and time of the entire program of all conflicting programs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have graphically displayed the overlapping programs of the list visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority as disclosed by Kono et al. with the method disclosed by Nagano et al. in order to clearly display to the user the overlapping portions of the different programs. However, Nagano et al. in view of Kono et al. still fails to disclose that the values of the priorities are automatically initialized according to the sequence in which the programs are added to the list.

Referring to the Yuen et al. reference, Yuen et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the act of automatically initialized according to the sequence in which the programs are added to the list (col. 25, line 56 – col. 26, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically initialized priorities according to the sequence in which the programs are added to the list as taught by Yuen et al. with the method disclosed by Nagano et al. in view of Kono et al. in order to easily assign a priority to newly added programs that need to be recorded.

Regarding claim **5**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method is characterized in that the list is used to control the recording of programs on a recording device (Nagano et al.: abstract).

Regarding claim **6**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method is characterized in that the list is used to control the display of programs on an audio and/or video reproducing device (Nagano et al.: Fig. 4 – once the one recording is stopped and the next one is started the display will change accordingly).

Regarding claim **7**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses a controller for an audio and/or video recording and/or reproducing device, said controller comprising: a memory for storage of a schedule of available TV or radio programs (8), an input device allowing a user to enter selections (4), a display unit for graphically representing programs of a list of programs (Nagano et al.: Figs. 15A and 15B), the controller being adapted to execute the method as in claim 1, in order to compose a list of programs, control the audio and/or video recording and/or reproducing device so as to process the programs according to the list (Nagano et al.: abstract). See the rejection of claim 1 for details relating to the combination of Nagano et al. in view of Yuen et al.

Regarding claim **9**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the method further comprises the act of: reordering priorities of programs displayed on the list by selecting a partially overlapped program (Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

Regarding claim **10**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claims 1 and 9 including that the selecting is performed by clicking on the partially overlapped program (Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

Regarding claim **11**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claims 1 and 9 except that the selecting is performed by verbally selecting the partially overlapped program. Official Notice is taken that it is well known to use various methods for commands be given to an apparatus, which would include verbal commands. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have performed selecting programs by verbal commands in order to make the apparatus more versatile to accommodate more users.

Regarding claim **12**, Nagano et al. in view of Kono et al. in view of Yuen et al. discloses all the limitations as previously discussed with respect to claims 1 and 9 including that the selecting is performed by pointing at the partially overlapped program (Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

4. Claims 4, 8, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano et al. (U.S. Patent 6,240,240) in view of Kono et al. (U.S. Patent 5,187,589).

Regarding claim **4**, Nagano et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the acts of: (a) selecting a program from the schedule and adding it to the list (abstract), (b) graphically representing the programs of the list as bars over a timeline, the length and position of each bar along the timeline

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corresponding to the duration and time of transmission of the corresponding program (Figs. 15A and 15B), (c) displaying programs or parts of programs overlapping in time as partially overlapping and overlapped bars such that the length and positions of an overlapping bar and an overlapped bar still indicate the durations and times of transmission of the corresponding programs (Figs. 15A and 15B – the overlapping programs still indicate the duration and time of the entire program of all conflicting programs), (d) repeating steps (a), (b), and (c) until the list is complete wherein a priority is assigned to some or all of the programs on the list, and programs or parts of programs overlapping in time are processed according to their priorities (Figs. 4, 15A, and 15B show multiple recordings). However, Nagano et al. does not disclose the overlapping bar and the overlapped bar overlap at least partially superpose in position, but that is a matter of design choice. One can show overlapping programs in various ways, which can include displaying the programs overlapping in time or in position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have shown the overlapped programs with bars overlapping in position rather than in time (*In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)). Furthermore, Nagano et al. fails to disclose that overlapping programs of the list are visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority.

Referring to the Kono et al. reference, Kono et al. discloses a method of composing a list of TV or radio programs from a given transmission schedule of the programs, comprising the act of overlapping programs of the list are visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority (Fig. 2; col. 2, lines 10-24). Furthermore, Kono discloses displaying programs or parts of programs overlapping in time as partially overlapping such that the length and position of an overlapping and overlapped bar still indicates the duration and time of transmission of the corresponding program (Fig. 2 - the overlapping programs still indicate the duration and time of the entire program of all conflicting programs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have graphically displayed the overlapping programs of the list visually ordered as being in the foreground and in the background, respectively, and that the program in the foreground has the higher priority as disclosed by Kono et al. with the method disclosed by Nagano et al. in order to clearly display to the user the overlapping portions of the different programs.

Regarding claim **8**, grounds for rejecting claim 4 apply for claim 8 in its entirety.

Regarding claim **13**, Nagano et al. in view of Kono et al. discloses all the limitations as previously discussed with respect to claim 4 as well as disclosing

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that the method further comprises the act of: reordering priorities of programs displayed on the list by selecting a partially overlapped program (Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

Regarding claim **14**, Nagano et al. in view of Kono et al. discloses all the limitations as previously discussed with respect to claims 4 and 13 including that the selecting is performed by clicking on the partially overlapped program (Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

Regarding claim **15**, Nagano et al. in view of Kono et al. discloses all the limitations as previously discussed with respect to claims 4 and 13 except that the selecting is performed by verbally selecting the partially overlapped program. Official Notice is taken that it is well known to use various methods for commands be given to an apparatus, which would include verbal commands. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have performed selecting programs by verbal commands in order to make the apparatus more versatile to accommodate more users.

Regarding claim **16**, Nagano et al. in view of Kono et al. discloses all the limitations as previously discussed with respect to claims 4 and 13 including that the selecting is performed by pointing at the partially overlapped program

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(Nagano et al.: col. 8, line 51 – col. 11, line 30 – two methods are explained on how to change a priority of a program).

Regarding claims **17-20**, grounds for rejecting claims 13-16 applies for claims 17-20 in their entireties.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HEATHER R. JONES** whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
March 27, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621